IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 12021 of 2007(F)

PETITIONER:

MRS.T.A.ARIFFA, AGED 55 YEARS,
W/O.P.B.KOCHUMUHAMMED, PUTHIAVEETTIL HOUSE,
POST VALAPAD, MURIANTHODU, THRISSUR (DISTRICT).

BY ADV. SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY THE SECRTARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF EDUCATION, THRISSUR.

4. THE ASSISTANT EDUCATIONAL OFFICER, CHERPU, THRISSUR DISTRICT.

5. THE HEADMISTRESS ALP SCHOOL, CHEMMAPPILLY, THRISSUR.

BY GOVT. -PLEADER SRI. T.T. MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.12021/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE OPTION FORM DT. 21.3.94 SUBMITTED BY THE PETITIONER

EXT.P2. COPY OF THE PAY FIXATION ORDER DT. 26.4.94 ISSUED BY THE 4TH RESPONDENT.

EXT.P3. COPY OF THE OPTION FORM DT. 12.12.94 SUBMITTED BY THE PETITIONER.

EXT.P4. COPY OF THE PAY FIXATION ORDER DT. 26.4.94 ISSUED BY THE 4TH RESPONDENT.

EXT.P5. COPY OF THE OPTION FORM DT. 12.12.94 SUBMITTED BY THE PETITIONER.

EXT.P6. COPY OF THE PAY FIXATION ORDER DT. 25.2.95 ISSUED BY THE 4TH RESPONDENT.

EXT.P7. COPY OF THE AUDIT ENQUIRY NO.V ENDORSED ON 8.12.06 BY THE 4TH RESPONDENT TO THE 5TH RESPONDENT.

EXT.P8. COPY OF THE STATEMENT OF FIXATION OF PAY PREPARED BY THE 5TH RESPONDENT IN RESPECT OF THE PETITIONER.

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 12021 OF 2007

Dated this the 4th day of June, 2007

J U D G M E N T

The main grievance of the petitioner, who is a retired teacher, is that certain liability has been fastened on her without affording any opportunity to her to be heard. It appears that the Department has taken up a contention that the petitioner had drawn salary in excess. This finding has been entered by the Department taking the view that petitioner had exercised the option beyond the period prescribed therefor. It is revealed from the records that such an exercise was carried out by the Department without affording an opportunity to the petitioner.

Therefore, Ext.P7 is quashed. The Department shall reconsider the matter and take a decision as regards the entire issue after affording an opportunity to the petitioner to be heard. A fresh decision in the matter shall be taken by the Department as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this judgment. Till such time a decision is taken, the recovery proceedings shall be kept in abeyance.

The writ petition is disposed of as above.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007